

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHOALWATER BAY INDIAN TRIBE,

Plaintiff,

v.

EXXON MOBIL CORPORATION, *et al.*,

Defendants.

CASE NO. C24-0158-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' stipulation regarding the case briefing schedule (Dkt. No. 22). Finding good cause, the motion is GRANTED. The Court sets the following briefing schedule:

1. Plaintiff's motion to remand shall be filed within 45 days of the filing of this stipulated motion (Dkt. No. 22). Defendants' opposition shall be filed within 45 days of Plaintiff's motion. Any reply shall be filed within 30 days of Defendants' opposition.
2. No defendant is required to file an answer or motion to dismiss or otherwise respond to the complaint before the Court's order on Plaintiff's motion to remand.
3. If the Court denies Plaintiff's motion to remand, Defendants will file any motion(s) to dismiss within 60 days of such denial. The parties will also promptly meet and confer

1 regarding an appropriate briefing schedule and page limits for Defendants' motion(s) to
2 dismiss, and will endeavor to jointly submit a proposal to the Court within 10 days of the
3 Court's order denying Plaintiff's motion to remand. If the parties are not able to agree on
4 a proposed briefing schedule, they will submit separate proposals to the Court.

5 4. In the event the Court denies Defendants' motion(s) to dismiss, in whole or in part,
6 Defendants' answers shall be due within 60 days of the Court's denial of the last of the
7 motions.

8 5. If the Court grants Plaintiff's motion to remand, the parties agree to abide by the same
9 schedule in state court: Defendants will file any motions to dismiss within 60 days of the
10 action being remanded to state court, and the parties will promptly meet and confer and
11 endeavor to propose a briefing schedule and plan for those motions within 10 days of the
12 remand order taking effect.

13 6. Defendants reserve the right to seek an extension of time to respond to the complaint and
14 the parties reserve the right to request that the Court stay proceedings.

15 7. The deadline to serve Rule 26(a) initial disclosures and the issuance of a Rule 16(b)
16 scheduling order shall be stayed until after the Court has ruled on the motion to remand.

17 8. Defendants do not, by agreeing to the procedures herein, waive their objections to
18 personal jurisdiction, insufficient process, or insufficient service of process. Plaintiff
19 agrees that it will not assert in federal or state court that there has been any waiver of
20 personal jurisdiction because of the parties' agreement to have the Court consider and
21 adjudicate the motion to remand prior to the filing of motions to dismiss.

22 9. The deadlines of foreign defendants BP p.l.c. and Shell p.l.c. to file an answer or motion
23 to dismiss or otherwise respond to the complaint shall be no earlier than the deadlines
24 applicable to Defendants set forth herein.

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1 DATED this 12th day of February 2024.

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3 Ravi Subramanian
4 Clerk of Court

5 s/Kathleen Albert
6 Deputy Clerk
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